

## REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

### Status of the Claims

Claims 1-7 and 9-29 are pending. Claims 1, 5-7, 10, 15, and 20-23 are currently amended to more clearly define pre-existing claim features. Claim 8 is canceled. Claims 28-29 are added. No new matter has been added.

### Summary of the Office Action

Claim 7 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 7 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

Claims 1-3, 5-6, 11-12, 15-16, 20 and 23-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,731,770 to Minoda et al. (hereinafter "Minoda")

Claims 4 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of U.S. Patent No. 5,357,510 to Norizuki et al. (hereinafter "Norizuki").

Claims 9, 13, 14, and 17-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of U.S. Patent Application No. 2002/0120798 to Modelski et al. (hereinafter "Modelski").

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of U.S. Patent No. 6,047,001 to Kuo et al. (hereinafter "Kuo").

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of U.S. Patent No. 5,555,478 to Zelikovitz et al. (hereinafter “Zelikovitz”).

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Zelikovitz, and further in view of U.S. Patent Application No. 2002/1191617 to Duplessis et al (hereinafter “Duplessis”).

Response to Rejections under 35 U.S.C. § 112, first and second paragraphs

The Office Action rejected claim 8 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully submits that claim 8 was canceled. However, new claim 29 has been added to depend from the new claim 28, and to include portions of the contested language of the canceled claim 8. First, Applicant respectfully submits that claim 7 has been amended and claim 29 has been written to clarify the conditions of the counter value being either equal to or greater/less than, not “equal to and greater/less than.” In addition, Applicant respectfully submits that claims 7 and 29 are written to cover different embodiments with respect to the sign convention of the threshold values and the counter value. In particular, claim 7 recites “masking a data read request ... when the counter value is either equal to or less than the lower threshold value ...and generating an additional data read request ... when the counter value is either equal to or greater than the upper threshold value...” Claim 29 recites “masking a data read request ... when the counter value is either equal to or greater than the upper threshold value ... and generating an additional data read request ... when the counter value is either equal to or less than the lower threshold value ...” Applicant respectfully submits that although the specification specifically describes the embodiment set forth in claim 7, the specification also specifies that the positive and negative conventions of the counter value may be reversed, thus, also describing the embodiment set forth in claim 29. See Applicant’s specification, paragraph 53. As such, claim 29, contains subject matter which was described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

The Office Action rejected claims 7 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which Applicant regards as his invention. Applicant respectfully submits that claims 7 and 10 have been amended to overcome the rejections under 35 U.S.C. §112, second paragraph. In particular, claim 7 has been amended to clarify the features of “*the* negative value of the pre-determined output data bus width ... and *the* positive value of the pre-determined output data bus width,” instead of “a negative value ... and a positive value.” As such, claim 7, as amended, particularly points out and distinctly claims the subject matter which applicant regards as the invention. Accordingly, Applicant respectfully request that the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Regarding claim 10, Applicant respectfully submits that claim 10 has been amended to clarify the feature of “substantially full.” In particular, claim 10 recites “substantially full is a set value determined using a value representative of an amount of data contained in a number of stages of a pipeline subtracted from another value representative of a capacity of the output FIFO. As such, claim 10, as amended, particularly points out and distinctly claims the subject matter which applicant regards as the invention. Accordingly, Applicant respectfully request that the rejection of claim 10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### Response to Rejections under 35 U.S.C. § 102(b)

The Office Action rejected claims 1-3, 5-6, 11-12, 15-16, 20 and 23-24 under 35 U.S.C. § 102(b) as being allegedly anticipated by Minoda. Applicant respectfully requests withdrawal of these rejections because the cited reference fails to disclose all of the features of the claims.

#### CLAIMS 1-7, 9-14

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Minoda. Applicant respectfully submits that claim 1 is patentable over the cited reference because Minoda does not disclose all of the features of the claim. Claim 1, as amended, recites:

A method, comprising:

calculating a variation between an input data rate and a pre-determined output data rate, the input data rate being based on a number of

data read requests, wherein calculating the variation comprises updating a counter value representative of the variation; and

compensating for the variation by modifying the number of data read requests, and wherein compensating for the variation comprises:

**masking a data read request when the counter value is either equal to or less than a lower threshold value; and  
generating an additional data read request when the counter value is either equal to or greater than an upper threshold value. (Emphasis added).**

Applicant respectfully submits that claim 1 has been amended to recite masking a data read request when the counter value is either equal to or less than a lower threshold value and generating an additional data read request when the counter value is either equal to or greater than an upper threshold value. Minoda fails to disclose at least these features of the claim.

Minoda is directed to a digital data buffering device that includes a clock generator that adjusts an output transfer clock cycle so that the difference between the count of an address counter for writing data and the count of an address counter for reading data always falls within a predetermined range. Minoda, Abstract. Minoda discloses that an input rate calculating circuit calculates an average transfer rate at which the input data is transferred, and the clock generator increases or decrease the transfer rate of the output data so that the average transfer rate of the output data becomes equal to the average transfer rate of the input data. Minoda, Abstract. Although Minoda discloses increasing or decreasing the transfer rate of the output data so that the average transfer rate of the output data becomes equal to the average transfer rate of the input data, nothing in Minoda discloses masking a data read request when a counter value, representative of the variation between an input data rate and a pre-determined output data rate, is either equal to or less than a lower threshold value. Rather, Minoda discloses that a correction rate table, which stores a correction method as a table, is used for correcting the difference between the average input rate and the reference output rate. Similarly, nothing in Minoda discloses generating an additional data read request when the counter value is either equal to or greater than an upper threshold value.

Given that the cited reference fails to disclose all of the features of the claim, Applicant respectfully submits that claim 1 is patentable over the cited reference.

Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 2-7 and 9-14 depend from independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 2-7 and 9-14 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 2-3, 5-6, and 11-12 under 35 U.S.C. § 102(b) and the rejection of claims 4, 8-10, and 13-14 under 35 U.S.C. § 103(a) be withdrawn.

#### CLAIMS 15-19, 20-22, 23-27, and 28-29

Claims 15, 20 and 23 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Minoda. Applicant respectfully submits that claims 15, 20, 23, and 28 are patentable over the cited reference for similar reasons as described above with respect to claim 1. Given that claims 16-19, 21-22, 24-27, and 29 depend from independent claims 15, 20, 23, and 28, respectively, which are patentable over the cited reference, Applicant respectfully submits that dependent claims 16-19, 21-22, 24-27, and 29 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 15, 16, 20 and 23-24 under 35 U.S.C. § 102(b) and the rejection of claims 17-19, 21-22, and 25-27 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

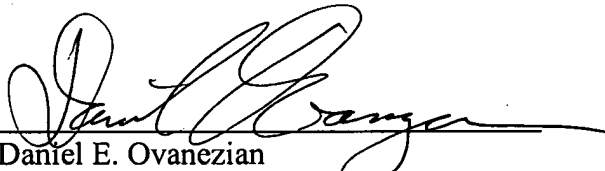
It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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